

PATENT

Serial No. 10/522,300

Amendment in Reply to Office Action mailed on June 2, 2006

REMARKS

This Amendment is being filed in response to the Office Action mailed June 2, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the following remarks and arguments are respectfully requested.

By means of the present amendment, claims 1-17 have been amended for better conformance to U.S. practice, such as beginning the dependent claims with 'The' instead of 'A'. Claims 1-17 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner rejected claims 1-17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent Application Publication 2005/0265137 ('137). The Examiner indicated that a terminal disclaimer may be used to overcome this rejection. It is respectfully submitted, as '137 has not matured into a patent, this rejection should be a provisional rejection

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and, further, is respectfully traversed. However, it is respectfully submitted that Applicants will consider filing a terminal disclaimer in view of any allowable claims, if necessary, upon indication that the present application is otherwise allowable or includes allowable claims.

In the Office Action, claims 1-2, 8-10 and 16 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,009,053 (Ota). Further, claims 3-7, 11-15 and 17 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ota in view of JP Publication number 2001-067680 (Seiji). It is respectfully submitted that claims 1-20 are patentable over Ota and Seiji for at least the following reasons.

Ota is directed to an optical disk reproducing device where vibration of the device is detected during disk rotation and the linear velocity of the disk is determined based on the detected vibration. As shown in FIG 1 and described on column 2, lines 16-20, and lines 25-28, a lens 4 is supported by lens support 4s which also supports a focusing coil 6 and a tracking coil 9. Focusing and tracking magnets 7, 10 are held by a pick-up frame PU.

On page 3, item 4, second paragraph of the Office Action, it

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is alleged that Ota discloses on column 3, lines 36-40:

the method comprising the step of detecting  
a radial displacement of said platform with  
respect to said sledge (column 3, lines 36-40).  
(Emphasis added)

It is respectfully submitted that column 3, lines 36-40 of Ota  
merely recite:

Similarly, an electromotive force is induced  
in the tracking coil 9, due to displacement  
between the tracking coil 9 and the tracking  
magnet 10, due to vibration, and in this  
embodiment, this electromotive force is also  
utilized for detecting the vibration. (Emphasis  
added)

There is simply no teaching or suggestion in Ota of a sledge,  
let alone "detecting a radial displacement of said platform with  
respect to said sledge," as recited in independent claim 1, and  
similarly recited in independent claim 9.

Accordingly, it is respectfully submitted that independent  
claims 1 and 9 should be allowable. In additions, claims 2-8 and  
10-20 should be allowable at least based on their dependence from  
independent claims 1 and 9.

Claims 5 and 13 also include patentable features. As  
correctly noted by the Examiner, Ota does not teach or suggest any

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filtering or filter as recited in claims 5 and 13. Seiji is cited in an attempt to remedy this deficiency in Ota.

Seiji is directed to an optical disk device having an actuator controller. As recited on paragraph [0012], lines 1-2, Seiji teaches "speed control means 13 for focuses and the speed-control means 23 for tracking have the band filter for focuses, and the band limit filter for tracking inside, respectively."

As clearly seen from FIG 1 of Seiji, the two speed control means 13, 23, having band filters, receive an input from a focus actuator 3 and track actuator 4, respectively, and provide filtered output signals to the same actuators 3, 4. That is the signals that are filtered are provided from the actuators 3, 4.

In stark contrast, the present invention as recited in claim 3 requires, amongst other patentable feature, "filtering said X-displacement signal in association to a disc rotation frequency," where the X-displacement signal is derived from an optical read signal, as recited in claim 3, where claim 5 depends from claim 3. It is respectfully submitted that filtering a signal derived from a read signal is nowhere taught or suggested in Ota, Seiji, and combination thereof.

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With regard to claim 13, it is specifically recited that:

adaptable filter means further having a  
command input coupled to receive a signal  
representing the rotation frequency of said disc  
to adapt said adaptable filter means.  
(Illustrative emphasis added)

It is respectfully submitted that an adaptable filter having a command input is nowhere taught or suggested Ota and Seiji, alone or in combination, let alone an adaptable filter that receives a command signal representing the rotation frequency of the disc at a command input for adapting the filter.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment,

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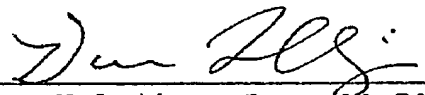
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they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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